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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/772,759

02/04/2004

Phillip L. Lam

PERFECT-1/CIP

5694

1054

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09/05/2006

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EXAMINER

MICHALSKI, SEAN M

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 09/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/772,759

Applicant(s)

LAM, PHILLIP L.

Examiner

Sean M. Michalski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Claims 1-18 have been canceled. Newly added claims 19-28 are pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The recitation "said opening is symmetrical along said first axis and defines a second axis normal to said first axis", is indefinite, since an opening exists in three dimensions, it is unascertainable what feature or quality of the opening "defines" a second axis. This ambiguity renders the claim indefinite.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 19-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Pesko (2,918,924).

Pesko discloses a manicuring tool comprising a metal sheet(30 figure 4, appears to be a sheet) being folded along a first axis (32 figure 3) said sheet having an opening

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along said axis (see V-notch opening along the end of the axis in figure 3), which defines two spaced apart edges (38 figure 3) which are disposed along-side (along) said axis (figure 3). Pesko further discloses that there is a handle (10 or 14 figure 1) which is capable of moving said implement along the axis (the implement may be moved in any direction or combination of directions as determined by a user).

Regarding claims 20 and 21, see extension 41 which connects to the handle via rivet 18. Rivets may be considered permanent connectors, since they cannot be removed by hand and reused. They may also be considered to be releasable (as per the claim, they are *capable* of being removed; things may be permanent and still be capable of being removed), since they may be removed (via drilling out, for example). This interpretation of rivets, that they read as being both permanent and *capable* of being released is consistent with the broadest reasonable interpretation which must be used in analyzing the limitations of a claim.

Regarding claim 22, the opening is symmetrical and defines a second axis (into the plane of the page at the tip of the notch / opening), the extension 41 is perpendicular to both axes. Axis 1 is the longitudinal direction of the tool (as seen in figures 1 and 3), and axis 2 is into the plane of the page in figures 3 and 12. The Extension 41 is perpendicular to both in the vertical direction (up and down), in figure 12.

Regarding claim 23, Pesko discloses that the means for moving the implement is geometric. There is a rivet hole in extension 41 (part of the sheet/ an extension of the sheet) which is circular. Circles are geometric.

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6. Claims 24-26 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Laszlo (3,555,682).

Laszlo discloses an apparatus (figure 6) comprising a thin metal sheet (figure 11) having first and second opposed edges (the blade edges face away from each other, they are opposed), a center line)running left to right in figure 1, a line bisecting the razor is a centerline, the sheet having a cutout along said center line (figure 1, see the cutout), the sheet being contoured out of plane (figure 7) at spaced apart cutting faces (cutting faces seen in figure 7) which are along said center line (the faces of cutting and the center line are parallel).

The extension of the sheet goes from the first (or second) edge (figure 1) to the opening. The extension is configured (the shape of the opening) to be releasably connected to the handle (figure 7; column 5 lines 50-75).

Laszlo discloses hand held means (figure 6, the handle) for moving the apparatus in any direction including along the center line.

7. Claims 19, 21-25, 27, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Murdock (USPN 2,240,410).

Murdock discloses a cutting implement comprising a metal sheet (figure 6) folded along an axis, having an opening along said axis, the opening defines first and second cutting edges which are spaced apart (figure 17) and opposed (figure 17), the implement including hand held means for moving the implement along the axis (or in any other direction) said means being a handle (10 figure 1) which is connected to the

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flat metal sheet via an extension (20 figure 1, the extension is part of the sheet and is formed away from both edges). Murdock discloses that the extension is permanently connected (figures 1 2 and 3 show that the connections are of a permanent nature).

There is a second axis defined by the opening, that axis being the transverse bisector of the ovoid opening (from left to right in figure 1, approximately). The extension is in three dimensional space, and is normal to both axes from left to right in figure 3).

Alternately the three axes may be defined as follows: The first axis can be the transverse bisector, making the two cutting edges the top and bottom portions of the ring edge as seen in figure 2. The second axis may be defined as the axis passing through the center point of the oval aperture (left to right in figure 3), and the extension will still be considered normal to both, since it also extends in the longitudinal direction of the tool (up and down in figure 3).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 20 rejected under 35 U.S.C. 103(a) as being unpatentable over either of Murdock or Pesko in view of any one of Douglass or Samiean or Papanikolau.

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Douglass, Samiean and Papanikolau all teach that it is known to provide for releasable retention of the blade heads of apparatuses.

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Murdock or Pesko by providing for releasable retention of the blade head as taught by any one of Douglass or Samiean or Papanikolau. It is well known and ubiquitous in the art to provide for releasable attachment of bladed heads, as evidenced by any one of Douglass or Samiean or Papanikolau.

10. Claim 26 rejected under 35 U.S.C. 103(a) as being unpatentable over Murdock or Laszlo in view of any one of Douglass or Samiean or Papanikolau.

Douglass, Samiean and Papanikolau all teach that it is known to provide for releasable retention of the blade heads of apparatuses.

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Murdock or Laszlo by providing for releasable retention of the blade head as taught by any one of Douglass or Samiean or Papanikolau. It is well known and ubiquitous in the art to provide for releasable attachment of bladed heads, as evidenced by any one of Douglass or Samiean or Papanikolau.

Conclusion

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11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lunderman et al.; Hanson; Schumacher; Catanese; Diatkar; Voss; Levian et al.; Haberstroh.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean M. Michalski whose telephone number is 571-272-6752. The examiner can normally be reached on M-F 7:30AM - 3:30PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



SMM



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PRIMARY EXAMINER